



11-03-04

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/657,597
Filing Date: 09/08/2003
Applicant: Warren A. Ceroll, et al.
Group Art Unit: 3724
Examiner: Kenneth E. Peterson
Title: MOVABLE FENCE FOR A MACHINE TOOL
Attorney Docket: 0275A-000154/DVH

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed October 15, 2004, Paper No./Mail Date 041014, please consider the following.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 125-127, 139 and 140, drawn to a machine tool having telescoping rails.
- II. Claims 128-131 and 141-144, drawn to a machine tool having four pulleys disposed at the table corners.
- III. Claims 132-135, drawn to a machine tool having both telescoping

rails and four pulleys disposed at the table corners.

Applicants respectfully traverse this restriction requirement. The Examiner states that the telescoping rails of Group I could be employed in a machine tool with only three pulleys. While this may be true, Claim 124 defines "a plurality of pulleys" and thus whether there are three or four pulleys does not matter since both are lowered by the plurality of pulleys of Claim 1 and thus the Examiner will be required to search both the telescoping rails of Group I (class 108) and the pulley system of Group II (class 33) since Claim 124 defines a plurality of pulleys. Also, if Group III is selected, it has both telescoping rails and four pulleys which again requires the Examiner to search both class 33 and class 108.

Thus, Applicants believe there is no excessive burden on the Office to examine these inventions together since it is clear that all of the classes identified by the Examiner in defining the excessive burden must be searched anyway. Applicants respectfully request withdrawal of the restricted requirements.

Should the Examiner maintain the restriction requirements, Applicants request the Examiner to proceed with Group III. Applicants believe Claims 124, 128 and 132-138 read on the elected invention. Applicants have included Claim 128 because Claim 132 depends from Claim 128 and thus, Claim 132 includes the limitations of Claim 128. Applicants request that the non-elected claims be held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.

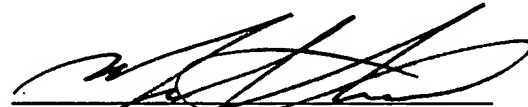
CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 2, 2004
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

By:


Michael J. Schmidt
Reg. No. 34,007

MJS/pmg



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/657,597
	Filing Date	09/08/2003
	First Named Inventor	Warren A. Ceroll, et al.
	Art Unit	3724
	Examiner Name	Kenneth E. Peterson
Total Number of Pages in This Submission	Attorney Docket Number	0275A-000154/DVH

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael J. Schmidt	Reg. No.	34,007
Signature					
Date	November 2, 2004				

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Michael J. Schmidt	Express Mail Label No.	EV 406 076 414 US (11/2/2004)
Signature		Date	November 2, 2004

This collection of information is required by 37 CFR 1.9. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 406 076 414 US